

EXHIBIT 5

Executive Order No. 2022-025 (N.M.), May 3, 2022



State of New Mexico

Michelle Lujan Grisham
Governor

EXECUTIVE ORDER 2022-025

DECLARING EMERGENCY IN SANDOVAL COUNTY DUE TO THE CERRO PELADO FIRE EVENT AND AUTHORIZING EMERGENCY FUNDS FOR THE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

WHEREAS, Sandoval County was severely impacted by the Cerro Pelado Fire Event that began on Friday, April 22, 2022, due to extreme drought conditions and high wind gusts recorded at between sixty (60) and seventy (70) miles per hour;

WHEREAS, the Cerro Pelado Fire Event has spread across more than 17,885 acres causing widespread damage to Sandoval County, destroyed three structures, impacted local infrastructure, and resulted in undue human and animal suffering and threatened the health, safety, and welfare of citizens as well as the economic function of the Sandoval County;

WHEREAS, the event prompted Sandoval County to issue a local disaster declaration for the Cerro Pelado Fire Event;

WHEREAS, the disaster declaration issued by Sandoval County noted that all local resources available have been insufficient to cope with the resulting situation and request aid, assistance, relief programs, and funding from the State of New Mexico;

WHEREAS, this disaster requires immediate action to protect public peace, health, and safety; and

WHEREAS, this disaster is of such magnitude as to be beyond local control and requires the resources of the State of New Mexico to minimize economic or physical harm and to take actions necessary to protect the public health, safety, and welfare.

NOW, THEREFORE, I, Michelle Lujan Grisham, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and the laws of the State of New Mexico do hereby **DECLARE** a state of emergency to exist in Sandoval County due to the Cerro Pelado Fire Event that began on Friday, April 22, 2022 and **ORDER** and **DIRECT** as follows:

1. The Department of Finance and Administration shall make available emergency financial resources in an amount not to exceed seven hundred and fifty thousand dollars (\$750,000.00) to the Department of Homeland Security and Emergency Management in accordance with NMSA 1978, Sections 12-11-23 to -25, and NMSA 1978, Sections 12-10-14 to -15. The funds shall be expended for the resources and services necessary to avoid or minimize economic or physical harm until the situation becomes stabilized; on a temporary, emergency basis for lodging, sheltering, health care, food, any transportation or shipping necessary to protect lives or public property; or for any other action necessary to protect the public health, safety, welfare, and property. The funds shall be expended in accordance with the policy and procedures of the Department of Homeland Security and Emergency Management, as approved by the Governor or the Governor's Authorized Representative.
2. The Department of Homeland Security and Emergency Management shall coordinate all requests for assistance and responses to such requests under the authority of and as determined by the Governor and her Authorized Representative. In addition to such other eligibility criteria as may be established by the Governor and her Authorized Representative, applicants requesting financial assistance from the State for necessary action taken in response to the emergency shall be required to demonstrate that the cost of the necessary action exceeds their available resources, as determined based upon criteria developed in conjunction with the State agencies (if any) with financial and budgetary oversight responsibilities for the applicant.

3. The Adjutant General shall order into service any elements of the New Mexico National Guard as are or may be needed to provide military support to civil authorities as needed for this emergency. This action is pursuant to and in accordance with NMSA 1978, Sections 20-1-1 to -8, NMSA 1978, Sections 20-2-1 to -8, and NMSA 1978, Sections 20-4-1 to -14. Such emergency assistance shall be provided during the period of need at the discretion of the Governor's Authorized Representative.

4. All Cabinet Departments and agencies under gubernatorial control shall provide any assistance that may be required by the Department of Homeland Security and Emergency Management or by the State Emergency Operations Center under the authority of the Governor's Authorized Representative.

I FURTHER ORDER and DIRECT as follows:

1. This Order supersedes any previous orders, proclamations, or directives to the extent they are in conflict.

2. This Order shall take effect immediately and shall remain in effect until renewed, modified, or rescinded.

ATTEST:

Maggie Toulouse Oliver
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE



DONE AT THE EXECUTIVE OFFICE
THIS 3RD DAY OF MAY 2022

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

Michelle Lujan Grisham
MICHELLE LUJAN GRISHAM
GOVERNOR